

REMARKS

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested. Claims 1, 10 and 25 are amended without prejudice or disclaimer. Claim 22 is cancelled without prejudice or disclaimer.

Rejection of Claims 1-21 and 25-28 Under 35 U.S.C. §103(a)

The Office Action rejects claims 1-21 and 25-28 under 35 U.S.C. §103(a) as being unpatentable over Owners.com (www.owners.com on archive.org for year 2003) (“Owners.com”) in view of Raiyani et al. (U.S. Patent Publication No. 2004/0181461) (“Raiyani et al.”). Applicants respectfully traverse this rejection and submit that the references fail to teach what is asserted in the Office Action. Furthermore, Applicants submit that one of ordinary skill in the art would not have sufficient motivation or suggestion to combine the references in the manner laid out in the Office Action.

First, Applicants address whether the prior art teaches what is asserted to be taught in the Office Action. Furthermore, there are some inconsistencies in the analysis that shall be identified.

Claim 1 recites a method of assisting real estate sales with automation utilizing verbal communication. The method includes providing question data to a voice services node and providing a set of verbal questions to a real estate seller about a real estate listing corresponding to the question data from the voice services node over a voiced call. Applicants note that the analysis asserts that owners.com teach the concept of providing a set of verbal questions about a real estate listing corresponding to the question data by virtue of the ability of buyers to get information about a property that questions about a property must have been provided. Applicants traverse the analysis in which the Office Action states “verbal questions are interpreted to be questions composed of words.” Applicants note that there is no suggestion or

teaching in owners.com that “verbal questions” are contemplated or taught. In other words, Applicants traverse the analysis in the Office Action in which non-verbal words that may be input (i.e. typed) into a search field in owners.com are interpreted to be “verbal”. Applicants respectfully submit that the appropriate scope of the teachings of owners.com is that they do not contemplate that data typed into search fields on the website would appropriately be broadly interpreted to be “verbal questions.” Applicants submit that they are simply not and should not be interpreted as such.

Next, the Office Action asserts that the step of receiving verbal answers to the set of verbal questions from the real estate seller is taught at owners.com by the “owner’s answering service.” Applicants have searched the website and respectfully submit that the owner’s answering service is simply taught in the reference as providing buyers with information about the property 24 hours a day when they call a toll free number. Here, what appears to occur is that the owners can provide buyers with information about the property. Applicants note that this appears to contemplate the owners simply recording a message for buyers to call and receive. Here, however, the claim limitation requires receiving verbal answers to a set of verbal questions from the real estate seller at a voice services node of an automated system. We note that these answers, in later limitations of the claims, are not simply recorded but are further processed in order to generate a posting of listening data for access by real estate customers and therefore is processed differently than the owner’s answering service of owners.com. Applicants also traverse the analysis on page 2 in which the Office Action asserts the speech recognition feature must be inherently present. This is not the case inasmuch as what is taught in the reference is simply an ability of the user to be able to record a message that buyers can call in and listen to. In this case, it is technically not the case that a speech recognition feature must be

“inherently present” to accomplish the features of owners.com. All that is required is a recording system and no speech recognition is contemplated and is certainly not inherent.

Applicants also traverse the comparison of the posting of the listing data by real estate customers through at least one of a webpage and a communication network is taught via the owner’s answering service. Again, the owner’s answering service merely enables a user to call in and receive a recording of information about the property. There is no interpretation of received verbal answers to produce the listing data through at least one of speech recognition and natural language understanding. Therefore, the posting of the listing recited in claim 1 differs from the answers that are merely recorded on the answering service. Therefore, Applicants submit that is feature is not taught in the reference.

Applicants therefore submit that the analysis on page 2 of the Office Action is unconvincing and stretches the interpretation of what is taught by the interaction with owners.com beyond even a broad interpretation of its teachings.

Applicants also note that there is an inconsistency in the analysis. Next, the Office Action asserts that owners.com does not expressly show providing question data by a voice service node nor providing verbal questions over a voiced call. Applicants note that in several places in the analysis of owner.com, however, the Office Action assumes that verbal questions exist as well as a call being involved. Applicants simply note that the analysis seems to be inconsistent in this respect.

Next, the Office Action asserts that Raiyani et al. show providing question data to a voice service note and providing a verbal question over a voiced call in paragraph [0109] and also show the question being in various formats including text and the text format being converted to voice in paragraph [0197]. Applicants note that in paragraph [0197] that the suggestion in that paragraph is that certain implementations are particularly suited for mobile application for which

a stylus or voice input is preferred. Here, they teach that when output is presented visually on the screen and/or auditorally with text-to-speech or recorded human speech that the preferred implementation is mobile. Applicants note that clearly owners.com, with the amount of information that is provided on its website and needed to be provided in its structure is certainly not a mobile application inasmuch as there is too much displayed information for a small mobile device. Accordingly, Applicants submit that this is a teaching that leans away from there being sufficient motivation or suggestion to combine these references inasmuch as one of skill in the art, when reading paragraph [0197] of Raiyani et al. would be led to consider mobile applications rather than desktop applications which require more real estate on the display as is required in owners.com.

Applicants also note that under a KSR analysis, MPEP 2141 requires that when a patent claims a structure already known in the prior art that is altered by the mere substitution of one element for another known in the field, the combination must do more than yield a predictable result. Furthermore, when considering obviousness of the combination of known elements, KSR requires that the operative question be whether the improvement is more than the predictable user of prior art elements according to the established functions. Applicants respectfully note that in the present case, an appropriate analysis has failed to occur in the Office Action inasmuch as page 3 simply notes that it would be obvious of one of ordinary skill in the art to modify owner.com and incorporate adding a verbal question over voice call because it is within the capabilities of one of ordinary skill in the art to provide verbal questions over voice call in addition to providing verbal questions over voice call. Applicants note that there seems to be a typographical error in this analysis in that it is redundant and does not necessarily make sense. Notably, Applicants submit that the question is not whether one of skill in the art has within his or her capabilities the known to provide verbal questions over a voice call. Rather, the question

is whether the improvement is more than the predictable use of prior art elements according to their established functions. Applicants note that the established function as it is taught in Raiyani et al. is that the text-to-speech or recorded human speech is more appropriate for mobile communications in that to blend that teaching into owners.com would change its principle of operation away from its established function in terms of providing input to the website. In other words, Applicants note that the established function of owners.com is to enable users to input text into text fields, searches for homes, listing IDs, state information and so forth. There is one feature in the reference in owners.com with the owner's answering service that enables sellers to record information to be available for receiving on a toll free telephone number 24 hours a day.

Applicants respectfully submit that blending these references would require a change in the principle of operation of owners.com with regards to how a seller would provide information into the website. This is also a feature that even if these references are combined they still fail to teach each limitation of the claims. For example, Raiyani et al. only in paragraph [0197] teach that voice input may be enabled or that output can be auditory via text-to-speech or recorded human speech. There simply is no discussion or teaching of providing question data to a voice services node providing a set of verbal questions to a real estate seller about a real estate listing corresponding to the question data, receiving verbal answers to the set of verbal questions from the real estate seller at the voice services node and interpreting the received verbal answers to produce listing data through at least one of speech recognition and natural language understanding and then providing the listing data for access by real estate customers through at least one of a website, webpage and communications network. There are too many limitations within claim 1 that do not correspond to the simple owner's answering service of owners.com and the basic discussion of receiving voice input and providing text-to-speech or recorded speech output of Raiyani et al. Applicants further note that paragraph [0109] also fail to provide

additional support for the position in the Office Action because this also merely only discusses voice input received via a voice gateway and involves the timing of a user clicking on a link and then speaking a command in a dialog that corresponds to a new page and so forth. This portion of the reference merely discusses the conflict between clicking and speaking and does not appear to provide sufficient information to match providing question data by a voice services node to a real estate seller and then receiving verbal answers to the set of verbal questions. Applicants have made a minor amendment to claim 1 to clarify that the receiving of the verbal answers to the set of verbal questions from the real estate seller occurs over the voiced call. Therefore, Applicants respectfully submit that for these numerous reasons, that claim 1 is patentable and in condition for allowance both because the prior art references should not be combined and furthermore, even if they are combined, they fail to teach the particular limitations of the claims when the objective and reasonable scope of their teachings is properly applied to the claim limitations.

Claims 2-4 and 6-9 each depend from claim 1 and recite further limitations therefrom. Accordingly, Applicants respectfully submit that these claims are patentable and in condition for allowance.

Claim 10 is amended to recite that based on the interpreted verbal information, the claim includes accessing an electronic calendar of the real estate seller and an electronic calendar of the real estate customer, and automatically schedules an appointment between the real estate customer and real estate seller that accommodates both calendars. Applicants note that page 17 of the specification references incorporates a corresponding application entitled methods and systems for assisting scheduling with automation. Applicants note that these incorporated features provide support as well as support in the specification for these particular limitations. Applicants submit that this claim is patentable and in condition for allowance.

We note that this limitation is primarily drawn from claim 22 and Applicants had previously traversed the Official Notice that it would be obvious of one of ordinary skill in the art to modify owners.com to incorporate a scheduling feature. The Office Action asserts that it would enhance the user experience by providing the user convenience of making appointments that he or she is interested in. Applicants note that challenging the Official Notice in this case involves the following support. MPEP 2144.03 states that Official Notice should only occur in rare occasions. Here, Official Notice must be taken of facts that are of such common knowledge that they are readily verifiable. For example, Section (a) of 2144.03 requires that Official Notice unsupported by documentary evidence should only be taken by the Examiner when the facts asserted to be well known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well known. Applicants traverse that it is the case that a scheduling feature is so well known and capable of instant and unquestionable demonstration as being well known. Applicants simply note that under Section (a) of MPEP 2144.03, the types of information that are appropriate for Official Notice include such things as the ability to adjust the intensity of a flame in accordance with the heat requirement and the fact that tape recorders commonly erase a tape automatically when new audio information is recorded on a tape which already has a recording on it. Applicants submit that the type of information that Official Notice was taken in the present case is not of the same type of information set forth in the MPEP.

In any event, Applicants have amended claim 10 to incorporate the limitations of claim 22 and with some additional changes and therefore, Applicants submit that claim 10 is patentable and in condition for allowance. Claims 11-21 and 23-24 each depend from claim 10 and recite further limitations therefrom. Accordingly, Applicants submit that these claims are patentable and in condition for allowance. Applicants also again traverse the taking of Official Notice in claims 23 and 24 inasmuch as, for example, in claim 23, the concept of interpreting the verbal

information to produce a query for real estate listing further comprises including the location of the real estate customer in the query is not the type of subject matter that is appropriate for taking Official Notice given the details set forth above. Similarly, Applicants submit that the concept of providing visual real estate listing information and directions to the real estate customer in addition to the verbal real estate listing information from the voice services noted in claim 24 is also appropriately the subject matter of Official Notice per the arguments above.

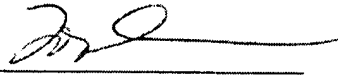
Finally, Applicants submit that claims 25-28 are patentable and in condition for allowance for the same reasons set forth relative to claim 1, minor amendments are made to these claims in accordance with the arguments set forth above.

CONCLUSION

Having addressed all rejections and objections, Applicants respectfully submit that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited. If necessary, the Commissioner for Patents is authorized to charge or credit the **Novak, Druce & Quigg, LLP, Account No. 14-1437** for any deficiency or overpayment.

Respectfully submitted,

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